

HOUSE BUSINESS AND INDUSTRY COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 199

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

AN ACT

RELATING TO THE PRACTICE OF OPTOMETRY; AMENDING AND ENACTING  
CERTAIN SECTIONS OF THE OPTOMETRY ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 61-2-2 NMSA 1978 (being Laws 1973,  
Chapter 353, Section 2, as amended) is amended to read:

"61-2-2. DEFINITIONS.--As used in the Optometry Act:

A. "practice of optometry":

(1) means:

(a) the employment of any subjective or  
objective means or methods, including but not limited to the  
use of lenses, prisms, autorefractors or other automated  
testing devices, and includes the prescription or  
administration of drugs for the purpose of diagnosing the  
visual defects or abnormal conditions of the human eye and its

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underscored material = new  
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1 adnexa; ~~and~~

2 (b) the employing, adapting or  
3 prescribing of preventive or corrective measures, including but  
4 not limited to lenses, prisms, contact or corneal lenses or  
5 other optical appliances, ocular exercises, vision therapy,  
6 vision training and vision rehabilitation services, and  
7 includes the prescription or administration of all drugs  
8 rational for the correction, relief, treatment or referral of  
9 visual defects or abnormal conditions of the human eye and its  
10 adnexa; and

11 ~~[(2) does not include the use of surgery or~~  
12 ~~injections in the treatment of eye diseases;]~~

13 (c) if certified by the board, the use  
14 of: 1) laser posterior capsulotomy; laser trabeculoplasty;  
15 laser iridotomy; laser iridoplasty; photorefractive  
16 keratectomy; and phototherapeutic keratectomy; and 2) minor  
17 surgical procedures and injections for the correction, relief,  
18 treatment or referral of visual defects or abnormal conditions  
19 of the human eye and its adnexa, including removal of  
20 superficial lesions on the eyelid and conjunctiva, subcutaneous  
21 and subconjunctival anesthetic injections and intralesional  
22 steroid injections of chalazions and injection to treat  
23 anaphylactic reaction; and

24 (2) does not include the use of lasik  
25 procedures;

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1           B. "ophthalmic lens" means a lens that has a  
2 spherical, cylindrical or prismatic value, is ground pursuant  
3 to a prescription and is intended to be used as eyeglasses;

4           C. "contact lens" means a lens, including a plano  
5 lens, to be worn on the anterior segment of the human eye;

6           D. "prescription" means a written order by an  
7 optometrist or a physician for an individual patient for:

8                   (1) ophthalmic lenses;

9                   (2) contact lenses; or

10                   (3) a topical ocular pharmaceutical agent or  
11 an oral pharmaceutical agent that is regulated pursuant to the  
12 New Mexico Drug, Device and Cosmetic Act;

13           E. "eyeglasses" means an exterior optical device  
14 using ophthalmic lenses for the correction or relief of  
15 disturbances in and anomalies of human vision; and

16           F. "board" means the board of optometry."

17           Section 2. Section 61-2-10.2 NMSA 1978 (being Laws 1995,  
18 Chapter 20, Section 5, as amended) is amended to read:

19           "61-2-10.2. [~~DESIGNATION OF~~] ORAL PHARMACEUTICAL AGENTS--  
20 CERTIFICATION FOR USE OF CERTAIN AGENTS.--

21           A. Subject to the provisions of the Optometry  
22 Act, optometrists qualified and certified by the board may  
23 prescribe or administer the following classes of oral  
24 pharmaceutical agents:

25                   (1) anti-infective medications, not

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1 including antifungals;

2 (2) anti-glaucoma medications, not  
3 including osmotic medications;

4 (3) anti-allergy medications;

5 (4) anti-inflammatory medications [~~not~~  
6 ~~including oral corticosteroids and immunosuppression agents~~];  
7 and

8 (5) analgesic medications, including  
9 schedules III through V controlled substances, as provided in  
10 the Controlled Substances Act.

11 B. The board shall issue certification for the  
12 use of oral pharmaceutical agents as set forth in Subsection  
13 A of this section to optometrists [~~currently~~] who were  
14 licensed by the board prior to July 1, 1996 and who are  
15 certified for the use of topical ocular pharmaceutical  
16 agents. To be certified, an optometrist shall submit to the  
17 board proof of having satisfactorily completed a course in  
18 pharmacology as applied to optometry, with particular  
19 emphasis on the administration of oral pharmaceutical agents,  
20 including corticosteroids and immunosuppression agents, for  
21 the purpose of examination of the human eye, and analysis of  
22 ocular functions and treatment of visual defects or abnormal  
23 conditions of the human eye and its adnexa. The course shall  
24 constitute a minimum of twenty hours of instruction in  
25 clinical pharmacology, including systemic pharmacology as

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1 applied to optometry, and shall be taught by an accredited  
2 institution approved by the board.

3 C. ~~[As of]~~ On and after July 1, 1996, all  
4 applicants for licensure shall meet the requirements for  
5 certification in the use of diagnostic, topical therapeutic  
6 and oral pharmaceutical agents as set forth in the Optometry  
7 Act and shall successfully complete the board's examination  
8 in diagnostic, topical and oral pharmaceutical agents prior  
9 to licensure.

10 D. The certification authorized by this section  
11 shall be displayed in a conspicuous place in the  
12 optometrist's principal office or place of business."

13 Section 3. A new section of the Optometry Act is  
14 enacted to read:

15 "[NEW MATERIAL] CERTIFICATION FOR USE OF SURGICAL  
16 PROCEDURES AND INJECTIONS.--

17 A. Except as provided in Subsection D of this  
18 section, no person shall use the surgical procedures and  
19 injections described in Subparagraph (c) of Paragraph (1) of  
20 Subsection A of Section 61-2-2 NMSA 1978 in the practice of  
21 optometry without first being certified for such use by the  
22 board pursuant to the provisions of this section.

23 B. The board shall issue the certification to  
24 licensed optometrists who:

25 (1) have been certified to prescribe and

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1 administer oral pharmaceutical agents pursuant to Section  
2 61-2-10.2 NMSA 1978; and

3 (2) submit proof to the board of having  
4 successfully completed education from a school or college of  
5 optometry, approved and accredited by the board,  
6 demonstrating that the optometrist is competent in the use of  
7 those surgical procedures and injections included in the  
8 practice of optometry.

9 C. The certification authorized by this section  
10 shall be displayed in a conspicuous place in the  
11 optometrist's principal office or practice location.

12 D. Nothing in this section requires certification  
13 for a licensed optometrist to insert punctal plugs, treat the  
14 lacrimal gland and lacrimal drainage system, remove foreign  
15 bodies or epilate eyelashes."

16 Section 4. EFFECTIVE DATE.--The effective date of the  
17 provisions of this act is July 1, 2005.